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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,086	03/20/2004	Joe Chen	MTKR001	1691

33392 7590 07/20/2006

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EXAMINER
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NGUYEN, TANH Q

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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20060714

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Commissioner for Patents

Attached is the examiner's response to the request to renew the suspension for application S/N 10/806,086.

***Response to Request for Suspension***

1. All pending claims were allowable. Since applicant filed a divisional reissue application on October 13, 2005 (SN 11/251,013) containing the non-elected claims (added claims 19-40), further action on the application is SUSPENDED FOR AN ADDITIONAL PERIOD OF 6 MONTHS from the mailing date of this response - per applicant's request to await examination of the divisional reissue application. Before the expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Once the divisional reissue application containing the added claims is examined and becomes allowable, the examiner will issue a requirement under 37 CFR 1.177(c) for applicant to merge the claims of the suspended first reissue application with the allowable claims of the divisional reissue application into a single application, by placing all of the claims in one of the applications and expressly abandoning the other. The Office action making this requirement will set a two-month period for compliance with the requirement. If applicant fails to timely respond to the Office action, or otherwise refuses to comply with the requirement made, then the divisional reissue application (claiming the invention which was non-elected in the now-suspended first reissue application) will be passed to issue alone, since the claims of the divisional reissue application, by themselves, do correct an error in the original patent. Prosecution will be reopened in the suspended first reissue application, and a rejection based on a lack of error under 35 U.S.C. 251 will then be made. This rejection may be made final, since applicant is on notice of the consequences of not complying with the merger

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requirement.

If the divisional reissue application becomes abandoned, prosecution will be reopened in the suspended first reissue application, and a rejection based on a lack of error under 35 U.S.C. 251 will then be made in the first reissue application. Since no error in the original patent is being corrected in the first reissue application, no reissue patent will issue. see MPEP 1450 [R-2].


### **Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanh Q. Nguyen whose telephone number is 571-272-4154. The examiner can normally be reached on M-F 9:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TQN  
July 14, 2006



July 14, 2006